

State of Ohio)
County Of Montgomery) SS:

1) I was formerly employed by the Dayton Power and Light Company ("DP&L") from September, 1953 to December, 1986. During that period, I was employed in Materials and Supplies, also known as "Dayton Stores", for DP&L. In approximately 1974, I became Crew Foreman of Stores, and in 1985 I became Supervisor of Stores. While employed in Dayton Stores, my responsibilities included maintaining DP&L's inventory of materials and supplies. My duties further included tracking "scrap" in DP&L's Service Building yard ("the Yard"). My duties also involved overseeing sales of usable DP&L equipment to various buyers and overseeing sales of unusable DP&L equipment to scrap and salvage dealers.

ED 001207 00000907

2) Through my experience at DP&L, I became familiar with the identification of various types of voltage regulators, transformers and other electrical equipment. Such equipment had value as usable equipment and as scrap metal. Since all of the equipment had value, DP&L routinely sold this equipment. To the best of my knowledge, DP&L did not discard or dispose of such equipment.

3) While employed in Stores, DP&L routinely made sales of usable equipment to used equipment dealers, brokers, and purchasers ("Buyers"). Throughout the 1970's, DP&L had routine business with Buyers, when they purchased used and usable equipment from DP&L. The sales to Buyers included usable switches, contacts, metal hardware, transformers (with and without oil), some solid state electrical equipment, and other electrical equipment.

4) Through my experience employed in Stores with DP&L, I became familiar with and was involved in DP&L's practices of selling unusable electrical equipment. Unusable equipment was routinely sold to various salvage dealers for the value of the scrap metal in the equipment. Salvage dealers paid DP&L for DP&L's unusable electrical equipment. DP&L's routine practice was to sell all unusable equipment for its scrap value. I do not recall any

metal unusable equipment being thrown away or discarded.


Unusable or scrap equipment was always sold to salvage dealers because the scrap value of such equipment was simply too high to throw away. Unusable transformers, wire, clamps, etc., had value for their copper, iron, aluminum, and various other metal components. To throw this equipment away would be the equivalent of throwing away money.

5) While I worked in Stores with DP&L, salvage dealers would provide DP&L with large dumpsters or containers in which to place the unusable, scrap electrical equipment. When the container was full, DP&L would contact the salvage dealer who would then remove the full container and replace it with an empty container. These salvage dealers would pay DP&L a per pound price for the iron, mixed metals, aluminum, and copper salvaged from the equipment.

6) The containers and dumpsters for the salvage material was separate and distinct from the dumpsters used for office trash. Salvage containers were kept in a portion of the DP&L Yard which was not accessible to the general public or to general trash haulers. The salvage containers were kept in a separate secured area to prevent theft of scrap material.

7) The information provided by me in this affidavit is based upon my personal knowledge and is, to the best of my knowledge and belief, true and correct.

AFFIANT FURTHER SAYETH NAUGHT


Luther Henry

Sworn to before me and subscribed in my presence this 18th
day of August, 1994.


ATHAN A. VINOLUS, ESQ.
NOTARY PUBLIC

ATHAN A. VINOLUS, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

AAV277